

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Circuit Mediation Office

Phone (415) 355-7900 Fax (415) 355-8566

<http://www.ca9.uscourts.gov/mediation>**MEDIATION QUESTIONNAIRE**

The purpose of this questionnaire is to help the court's mediators provide the best possible mediation service in this case; it serves no other function. Responses to this questionnaire are **not** confidential. Appellants/Petitioners must electronically file this document within 7 days of the docketing of the case. 9th Cir. R. 3-4 and 15-2. Appellees/Respondents may file the questionnaire, but are not required to do so.

9th Circuit Case Number(s):	13-56727		
District Court/Agency Case Number(s):	13-cv-583-IEG (NLS)		
District Court/Agency Location:	Northern District of California		
Case Name:	Qpid.me, Inc.	v.	John Schrom
If District Court, docket entry number(s) of order(s) appealed from:	9		
Name of party/parties submitting this form:	John Schrom		

Please briefly describe the dispute that gave rise to this lawsuit.

Plaintiff Qpid.me, Inc. ("Qpid.me"), alleges that defendant John Schrom ("Schrom"), a former employee of Qpid.me, misappropriated plaintiff's trade secrets and violated his employment agreement by allegedly disclosing Qpid.me's business plans and strategies on Schrom's personal blog. Qpid.me further alleges that Schrom tampered with company property and failed to perform work required of him by Qpid.me.

Briefly describe the result below and the main issues on appeal.

On May 15, 2013, Schrom filed a motion to dismiss Qpid.me's complaint pursuant to Fed. R. Civ. P. 12(b)(6) and a special motion to strike Qpid.me's complaint under California's Anti-SLAPP statute (Cal. Code Civ. Proc. § 425.16) ("Section 425.16"). On September 9, 2013, the district court denied Schrom's special motion to strike under Section 425.16 and granted in part Schrom's motion dismiss, dismissing without prejudice Qpid.me's claims for fraud and misappropriation of trade secrets.

Describe any proceedings remaining below or any related proceedings in other tribunals.

The district court has extended Qpid.me's deadline to file an amended complaint until December 30, 2013. In the meantime, the parties have agreed to participate in a private mediation.

Provide any other thoughts you would like to bring to the attention of the mediator.

The parties have agreed to participate in a private mediation, that they hope to schedule for before the end of the year.

Any party may provide additional information *in confidence* directly to the Circuit Mediation Office at ca09_mediation@ca9.uscourts.gov. Please provide the case name and Ninth Circuit case number in your message. Additional information might include interest in including this case in the mediation program, the case's settlement history, issues beyond the litigation that the parties might address in a settlement context, or future events that might affect the parties' willingness or ability to mediate the case.

CERTIFICATION OF COUNSEL

I certify that:

a current service list with telephone and fax numbers and email addresses is attached

☒ (see 9th Circuit Rule 3-2).

I understand that failure to provide the Court with a completed form and service list

☒ may result in sanctions, including dismissal of the appeal.

Signature

("s/" plus attorney name may be used in lieu of a manual signature on electronically-filed documents.)

Counsel for

Note: Use of the Appellate ECF system is mandatory for all attorneys filing in this Court, unless they are granted an exemption from using the system. **To file this form electronically** in Appellate ECF, complete the form, and then print the filled-in form to PDF (File > Print > PDF Printer/Creator). Then log into Appellate ECF and choose Forms/Notices/Disclosure > File a Mediation Questionnaire.

SERVICE LIST

Pursuant to Ninth Circuit Rule 3-2(b), defendant John Schrom identifies the following parties to this action to this action along with the names, addresses and telephone numbers of their respective counsel as follows:

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